In the Drawings:

None

REMARKS

This amendment is in response to the Examiner's Office Action dated 11/15/2004 and further in view of the interview of 04/06/2005. Applicant is also appreciative of the professional and courteous interview held with the examiner. Applicant believes that the arguments presented in the interview and the current amendment should obviate outstanding issues and make the pending claims allowable. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 1-23 are pending.

Claims 1-17, 19, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chauh et al. (USP 6519254) in view of Guerin et al. ("Aggregating RSVP-based QoS Requests").

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chauh et al. in view of Guerin et al. and further in view of Harrison et al. (USP 6091709).

Claims 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chauh et al. in view of Guerin et al. and further in view of Pan et al. ("Staged Refresh Timers for RSVP").

Claims 1-17, 19, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chauh et al. in view of Branden et al. ("RFC 2002 – Resource Reservation Protocol (RSVP) – Version 1 Functional Specification").

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chauh et al. in view of Branden et al. and further in view of Harrison et al.

Claims 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chauh

et al. in view of Branden et al. and further in view of Pan et al.

OVERVIEW OF CLAIMED INVENTION

The presently claimed invention provides for an IP communications network system

comprising a first QoS guaranteeing apparatus and a second QoS guaranteeing apparatus,

wherein the first QoS guaranteeing apparatus further comprises a condition database unit, a

distinguishing unit, an encapsulating unit, and a resource reserving unit, while the second QoS

guaranteeing apparatus further comprises a receiving unit and a de-capsulation unit.

With respect to the first QoS guaranteeing apparatus, the condition database unit (of the

first QoS guaranteeing apparatus) stores conditions specifying destination addresses with a QoS

guarantee, wherein the distinguishing unit works in conjunction with the condition database to

classify, as target traffics, specified data packets (among data packets transmitted from a

multiplicity of data communications terminals) accordant with a specified condition. Further, the

encapsulating unit encapsulates the classified specified data packets defined as a QoS guarantee

target on the basis of IP addresses of two QoS guaranteeing apparatuses existing on the sides

opposite to each other in a QoS guarantee target area in an IP packet switching network so that a

set of the traffics appear as one session. Next, the resource reserving unit reserves resources in

accordance with the QoS guarantee protocol with respect to the set of encapsulated specified data

packets.

With respect to the second QoS guaranteeing apparatus, the receiving unit receives the

encapsulated specified data packets, which have been QoS-guaranteed, via the IP packet

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switching network, and the de-capsulation unit de-capsulates the encapsulated specified data packets received in order to forward these packets to an actual destination.

In the Claims

Independent claims 1 and 2 have been amended to clarify the present invention without adding new matter. Support for the condition database unit added in claims 1 and 2 can be found in figure 2 and the accompanying description on page 15, line 20 – page 16, line 21 of the specification-as-filed.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-17, 19, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chauh et al. (USP 6,519,254) in view of Guerin et al. ("Aggregating RSVP-based QoS Requests"). To be properly rejected under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). As per the arguments presented during the interview of 04/06/2005, and the arguments presented below, applicant contends that the Examiner has failed to establish a *prima facie* case of obviousness under U.S.C. § 103.

With respect to independent claims 1 and 2, applicant agrees with the examiner's statement on pages 3-4 of the office action that the Chauh reference fails to show the limitations of both the distinguishing unit and the encapsulation unit as claimed in applicant's pending claims 1-2. Applicant, however, respectfully disagrees with the examiner that such limitations can be remedied in the Guerin el al. reference.

The Internet Draft by Guerin et al. describes various approaches related to aggregation of QoS requests, wherein RSVP is the protocol used to convey such requests. According to Guerin et al., RSVP tunnels are used, wherein, at the ingress, packets (data and control) belonging to the corresponding RSVP flows are encapsulated in IP packets with an IP destination address identifying the egress point. On page 4, Guerin et al. further mention that packets can be classified via the "TOC octet field" to "specify different service classes as well as drop precedence". Applicant contends that the citation merely suggests that the value is set in the TOS octet field (in the IP header), such that the value defines a level of service class among a plurality of levels of service classes. As pointed out during the interview of 04/06/2005, conspicuously absent in the citations, or the entire Guerin et al. reference, is a distinguishing unit classifying target traffic in accordance with a specified condition, a limitation of independent claims 1 and 2. Also, absent is a distinguishing unit that classifies target traffic based on a check performed to separate data packets requiring a QoS guarantee and data packets excluded from a QoS guarantee, another limitation of independent claims 1 and 2.

Further, independent claims 1 and 2 also recite the limitation of a condition database unit that stores conditions specifying destination addresses with a QoS guarantee, a limitation that is neither explicitly nor implicitly addressed in either the Chauh or the Guerin et al. references.

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Also absent in the references is an explicit or implicit teaching for a distinguishing unit that works with the condition database unit to <u>classify, as target traffic, specified data packets accordant with a specified condition - i.e., if a packet is registered in the condition database unit as requiring a QoS guarantee</u>.

Further, independent claims 1 and 2 also recite the limitation of an encapsulating unit that <u>encapsulates the classified data packets associated with a QoS guarantee</u> based on the <u>IP addresses of two QoS guaranteeing apparatuses</u> existing on opposite sides in an IP packet switching network, such that the traffic appears as one session, a limitation that is neither explicitly nor implicitly addressed in either the Chauh or the Guerin et al. references. The examiner cites section 3.1 of the Guerin et al. reference as providing support for the encapsulating unit. As pointed out during the interview of 04/06/2005, it can clearly be seen that in secion 3.1, IP packets are encapsulated with "an IP destination address". There is no mention of encapsulation based on IP addresses of two QoS guaranteeing apparatuses existing on opposite sides of an IP packet switching network.

The above-mentioned arguments with respect to independent claims 1 and 2 substantially apply to dependent claims 3-23 as they inherit all the limitations of the claims from which they depend.

Claims 1-17, 19, 22 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chauh et al. in view of Branden et al. ("RFC 2002 – Resource Reservation Protocol (RSVP) – Version 1 Functional Specification"). To be properly rejected under 35 U.S.C. § 103(a), three basic criteria must be met. First, there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure (In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). As per the arguments presented during the interview of 04/06/2005, and the arguments presented below, applicant contends that the Examiner has failed to establish a *prima facie* case of obviousness under U.S.C. § 103.

The functional specification drafted for the Network Working Group by Braden et al. merely specifies standards associated with an Internet protocol – specifically, the Resource ReServation Protocol (RSVP). The examiner cites figure 1 of the Braden et al. as teaching the limitation of the distinguishing unit. Applicant, however, contends that the "classifier" as disclosed in the Braden et al. reference fails to classifying target traffic in accordance with a specified condition, a limitation of independent claims 1 and 2. Additionally, applicant also contends that the "classifier" as disclosed in the Braden et al. reference fails to classify target traffic based on a check performed to separate data packets requiring a QoS guarantee and data packets excluded from a QoS guarantee, another limitation of independent claims 1 and 2.

Further, neither the Braden et al. reference nor the Chauh reference teaches the limitation of a condition database unit that stores conditions specifying destination addresses with a QoS guarantee, a limitation of independent claims 1 and 2. Also absent in the references is an explicit or implicit teaching for a distinguishing unit that works with the condition database unit to

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classify, as target traffic, specified data packets accordant with a specified condition - i.e., if a packet is registered in the condition database unit as requiring a QoS guarantee.

Further, independent claims 1 and 2 also recite the limitation of an encapsulating unit that encapsulates the classified data packets associated with a QoS guarantee based on the IP addresses of two QoS guaranteeing apparatuses existing on opposite sides in an IP packet switching network, such that the traffic appears as one session, a limitation that is neither explicitly nor implicitly addressed in either the Chauh or the Braden et al. references.

The above-mentioned arguments with respect to independent claims 1 and 2 substantially apply to dependent claims 3-23 as they inherit all the limitations of the claims from which they depend.

Applicant, therefore, contends that the art of record fails to teach all the claim limitations of the rejected claims. Hence, applicant, respectfully requests the examiner to withdraw the 35 U.S.C. § 103(a) rejection with respect to claims 1-23.
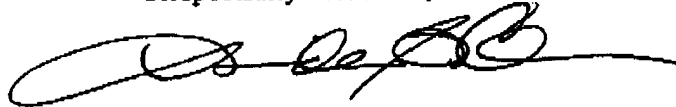
SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

This Response is being filed with a petition for extension of time. The Commissioner is hereby authorized to charge the petition fee, as well as any deficiencies in the fees provided to Deposit Account No. 50-1290.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,

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PAGE 22/22 * RCVD AT 4/22/2005 1:39:39 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/5 * DNIS:8729306 * CSID:7038387684 * DURATION (mm-ss):05-36